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IN THE CLAIMS:

Claims 1-14. (withdrawn)

15. (currently amended) An isolated polynucleotide comprising a transcriptional regulatory element responsive to the presence of auxin, wherein said polynucleotide is selected from the group consisting of

- a4
- a) SEQ ID NOS: 3, 4, and 16 and operable fragments thereof.
 - b) ~~operable fragments of SEQ ID NOS. 1, 3, 4, 5, and 16;~~
 - c) ~~the nucleic acids deposited with the American Type Culture Collection and designated as PTA 2426 and PTA 2427;~~
 - d) ~~polynucleotides having at least 75% sequence identity to the entire length of SEQ ID NOS: 3, 4, or 16, wherein the % sequence identity is determined by the GAP algorithm under default parameters;~~
 - e) ~~polynucleotides amplified from Zea mays nucleic acids using primers selected from the group consisting of SEQ ID NOS: 6, 7, 8, 9, and 10; and~~
 - f) ~~nucleic acids isolated from the 5' regulatory region of a polynucleotide having at least 75% identity to the ZmAxig1 coding region.~~

16. (Original) An isolated polynucleotide which selectively hybridizes, under stringent hybridization conditions and a wash in 0.1X SSC, 0.5% (w/v) SDS at about 65° for about 30 minutes, to a polynucleotide of Claim 15.

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17. (Currently amended) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to a ~~transcriptional regulatory element~~ an isolated polynucleotide of Claim 15.

ay 18. (Currently amended) A method of selectively inducing altered expression of a gene of interest in a plant, said method comprising stably incorporating into the genome of said plant ~~an~~ the expression cassette of Claim 17 and inducing activation of the transcriptional regulatory element by exposing said plant to an auxin.

19. (Original) The method of claim 18, wherein said induced alteration in gene expression is tissue-preferred.

20. (Currently amended) The method of claim 19, wherein said tissue-preferred alteration in gene expression occurs in one or more tissues selected from the group consisting of anther tissue, tapetum tissue, and meristem tissues.

21. (Currently amended) The method of claim 18, wherein said altered expression results in ~~disruption~~ modification of plant fertility.

22. (Original) The method of claim 18, wherein said altered expression results in partial or complete fertility in an otherwise completely or partially sterile plant.

23. (Original) The method of claim 18, wherein the gene of interest is Ms45.

24. (Original) The method of claim 18, wherein said plant is a dicot.

25. (Original) The method of claim 18, wherein said plant is a monocot.

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26. (Original) The method of claim 25, wherein said monocot is maize, wheat, or rice.

27. (Original) A transgenic plant comprising a recombinant expression cassette of Claim 17.

28. (Original) The transgenic plant of claim 27, wherein said plant is a monocot.

29. (Original) The transgenic plant of claim 27, wherein said plant is a dicot.

30. (Original) The transgenic plant of claim 27, wherein said plant is selected from the group consisting of: maize, soybean, sunflower, sorghum, canola, wheat, alfalfa, cotton, rice, barley, millet, peanut, and cocoa.

31. (Original) A transgenic seed from a transgenic plant of claim 27.

32. (Currently amended) A method of plant hybridization of two plants wherein at least one ~~parent~~ plant comprises the recombinant expression cassette of claim 17.

Claims 33-36. (Withdrawn)

37. (New) An isolated polynucleotide comprising a transcriptional regulatory element responsive to the presence of auxin, wherein said polynucleotide is selected from the group consisting of: the nucleic acids deposited with the American Type Culture Collection and designated as PTA-2427.

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38. (New) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to an isolated polynucleotide of Claim 37.

39. (New) A method of selectively inducing altered expression of a gene of interest in a plant, said method comprising stably incorporating into the genome of said plant the expression cassette of Claim 38 and inducing activation of the transcriptional regulatory element by exposing said plant to an auxin.

40. (New) The method of Claim 39, wherein said induced alteration in gene expression occurs in one or more tissues selected from the group consisting of anther tissue, tapetum tissue, and meristem tissue.

41. (New) An isolated polynucleotide comprising a transcriptional regulatory element responsive to the presence of auxin, wherein said polynucleotide is selected from the group consisting of polynucleotides having at least 75% sequence identity to the entire length of SEQ ID NO:16, wherein the % sequence identity is determined by the GAP algorithm under default parameters.

42. (New) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to an isolated polynucleotide of Claim 41.

43. (New) A method of selectively inducing altered expression of a gene of interest in a plant, said method comprising stably incorporating into the genome of said plant the expression cassette of Claim 42 and inducing activation of the transcriptional regulatory element by exposing said plant to an auxin.

44. (New) The method of Claim 43, wherein said induced alteration in gene expression occurs in one or more tissues selected from the group consisting

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of anther tissue, tapetum tissue, and meristem tissue.

45. (New) An isolated polynucleotide comprising a transcriptional regulatory element responsive to the presence of auxin, wherein said polynucleotide is selected from the group consisting of polynucleotides amplified from Zea mays nucleic acids using a primer comprising SEQ ID NO: 6, 7, 8, 9, or 10.

46. (New) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to an isolated polynucleotide of Claim 45.

47. (New) A method of selectively inducing altered expression of a gene of interest in a plant, said method comprising stably incorporating into the genome of said plant the expression cassette of Claim 46 and inducing activation of the transcriptional regulatory element by exposing said plant to an auxin.

48. (New) The method of Claim 47, wherein said induced alteration in gene expression occurs in one or more tissues selected from the group consisting of anther tissue, tapetum tissue, and meristem tissue.

49. (New) An isolated polynucleotide comprising a transcriptional regulatory element responsive to the presence of auxin, wherein said polynucleotide is selected from the group consisting of nucleic acids isolated from the 5' regulatory region of a polynucleotide having at least 75% identity to the *ZmAxig1* coding region.

50. (New) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to an isolated polynucleotide of Claim 49.

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51. (New) A method of selectively inducing altered expression of a gene of interest in a plant, said method comprising stably incorporating into the genome of said plant the expression cassette of Claim 50 and inducing activation of the transcriptional regulatory element by exposing said plant to an auxin.

52. (New) The method of Claim 51, wherein said induced alteration in gene expression occurs in one or more tissues selected from the group consisting of anther tissue, tapetum tissue, and meristem tissue.
